



## MONTANA STATE PRISON POLICIES AND PROCEDURES

Policy No.: MSP 3.1.22	Subject: <b>Vehicle Operations</b>
Chapter # 3: INSTITUTIONAL OPERATIONS	Page 1 of 6 + 2 attachments
Section 1: Security and Control	Revision Date:
Signature: /s/ Mike Mahoney	Effective Date: 09-04-01
Signature: /s/ Ross Swanson	

**I. POLICY:** It is the policy of MSP and MCE to assign, operate and maintain all State of Montana motor vehicles at MSP in compliance with Montana statutes, recognized standards, and the State of Montana Motor Pool Regulations.

**II. AUTHORITY:**

2-15-112, MCA. Duties and Power of Department Heads

53-1-203, MCA. Power and Duties of Department of Corrections

M.O.M. Volume 1, Chapter 1-0500

Executive Order No. 9-79

2-9-101, MCEA. Liability Exposure Definitions

2-9-201, MCA. Comprehensive Insurance Plan for State

State of Montana Risk Management Procedures Manual, Section V

Internal Revenue Regulation Section 1.61-21 (f) (3)

DOC 3.1.22 Vehicle Operations

**III. DEFINITIONS:**

**Employee** - means any person acting on behalf of the Department in any official capacity, temporarily or permanently, whether with or without compensation. The term may mean a person acting in the capacity of an independent contractor under contract, pursuant to Department of Administration's policy M.O.M.-Volume 1, 1-0500.

**Fleet Manager** – means the person designated by the Warden, and the Program Director designated by the MCE Division Administrator, to administer their respective fleets of state owned vehicles/equipment

**Fleet Supervisor** – means an individual designated by the Fleet Manager to manage a specific

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fleet of state owned vehicles/equipment.

#### IV. PROCEDURES:

##### A. Guidelines

1. **Federal Guideline** - any employee of MSP who is authorized to take a vehicle home at night in order to respond to after-hour emergencies on a regular basis is required to adhere to the Internal Revenue Service Regulation Section 1.61-21 (f)(3). This regulation requires that three dollars (\$3) be added to an employee's pay stub as a non-cash compensation for tax purposes for each day the employee uses a state vehicle to commute to and from work.
2. 2-17-421(2), MCA provides that any officer or employee of the state government who uses or authorizes the use of any state-owned motor - propelled vehicle, or of any motor-propelled vehicle leased by the state government, for other than official purposes may be removed from office by the head of the department or establishment concerned.

##### B. Vehicle Operation Records

Records concerning vehicle maintenance, mileage, and any other information pertinent to vehicle operations shall be processed in accordance with procedures outlined in MSP Policy 1.2.18 "Fleet Vehicle Management".

##### C. Vehicle Assignment

1. Permanent Vehicle Assignment Procedure:
  - a. Permanent vehicle assignment shall only be allowed when doing so is clearly consistent with the mission and operational needs of MSP/MCE, and written justification for that assignment is filed with the Administrative Services Division.
  - b. An employee may, with permission of their supervisor, request a permanent vehicle assignment by completing the Request of Vehicle Assignment Form (see attachment A), and submitting it to their immediate supervisor.

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- c. The supervisor must sign and date the request form in the appropriate section if they approve the request.
- d. If approved at the supervisory level the supervisor shall forward the request form to the Warden/MCE Division Administrator.
- e. If the Warden/MCE Division Administrator approves the assignment, he/she shall sign and date the request and forward it to the DOC Director.
- f. If the DOC Director approves the assignment, he/she shall sign and date the requests and submit it to the Administrative Services Division.

## 2. **Fleet Vehicles**

The respective Fleet Manager shall ensure Fleet Supervisors establish procedures to address the following concerning the vehicles and/or equipment assigned to them:

- a. Assignment/Checkout
  - Assignment/checkout procedures must address operator authorization. This may include training, licensing and justification requirement.
- b. Operation
  - Safe-operating procedures must be established and followed. They may include pre and post operation inspections, use of safety equipment, and documentation.
- c. Maintenance
  - A maintenance schedule must be established and may include regularly scheduled preventative maintenance and work orders submitted for repairs.
- d. Reporting
  - Requirements may include maintenance records, incident reports, operator reports, vehicle logs, and trip tickets.

## **D. State Vehicle Operations Requirements**

1. Any staff operating a state-owned vehicle must be in possession of a valid

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Montana driver's license.

2. Inmates authorized to operate state-owned vehicles pursuant to their work assignment restricted to the grounds of MSP/MCE must be in possession of a valid facility license. Inmates authorized to operate state vehicles off MSP/MCE property, pursuant to MSP Policy 3.1.100, Part IV.C., and MSP Policy 3.1.101, Part IV.C.and D. (paragraph two), must have a valid Montana Driver's License.
3. A temporarily assigned state vehicle may not be driven between home and an established office or work station except in the following instances:
  - a. When the employee must leave on the trip before 8:00 a.m. the next day.
  - b. When the employee must return from a trip after 5:00 p.m., or
  - c. When authorization for such use is given by the Warden/MCE Division Administrator
4. All employees and inmates are required to wear seat belts when operating or occupying state-owned vehicles.
5. Smoking is not permitted in state-owned vehicles.
6. Persons operating state vehicles may not pick up hitchhikers.

**E. Compliance with Laws, Rules and Regulations**

1. Employees operating state vehicles must drive defensively, be courteous, and obey all traffic laws and regulations.
2. Employees must promptly report all accidents they have while operating state vehicles using the Vehicle Accident Report (Form No. 141), which shall be provided in the glove compartment. Major accidents involving more than \$250 in damage, or any accident involving bodily injury, requires notification of the accident to the Montana Highway Patrol, including completion of necessary forms.

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3. State vehicles must be locked at all times when parked and not in use.

**F. Alcohol and/or Drug Usage**

1. Possession and/or consumption of alcohol or illegal substances is not permitted in a state-owned vehicle.
2. The Department, MSP, and MCE have a zero tolerance alcohol policy for employees operating state-owned vehicles. Employees may not operate a state-owned vehicle after consuming alcohol or while under the influence of alcohol.
3. Persons taking prescribed or non-prescribed medications that carry a warning label indicating that mental function, motor skills, or judgment may be adversely affected, shall not operate state owned vehicles.

**G. Non-Staff Use of State Vehicles**

1. An employee who is assigned work away from normal headquarters, or is considered in per diem status, may use the State vehicle for transportation to meals, lodging and other appropriate activities after normal working hours.
2. Employees assigned a State vehicle to travel to and from work may respond to personal needs as long as doing so does not require additional mileage or adversely affect the integrity of the Department.
3. Non-employees may ride in state vehicles only while such individuals are on official state business, while they are traveling to or from an official state function, or while being helped or assisted by a state employee in the case of an emergency.
4. Transport of 'family' members is allowable providing that doing so:
  - a. is infrequent;
  - b. does not require increased transportation expense; and
  - c. has been approved by the employee's immediate supervisor.

\*The state risk management and tort defense coverage is limited per policy.
5. Non-staff use of state vehicles is only allowed when doing so does not compromise

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the integrity of MSP/MCE and it has been approved by the Warden/MCE Division Administrator.

#### **H. Reporting Requirements**

1. Staff operating state vehicles must complete a “Motor Vehicle Problem Notification” form (see attachment B) to report any problem(s) they note concerning operation, appearance, or missing equipment regarding a state vehicle they are issued.
2. Staff must document on an incident report form any incident that impacts the appearance or operation of a state vehicle they are issued.
3. When completed, these reports shall be forwarded to the respective Fleet Supervisor or designee, who shall then forward copies to the MVM Production Manager for follow up and inclusion in the vehicle’s historical file.

#### **I. Violation of Policy**

Any employee found in violation of any of the conditions of this policy may be subject to disciplinary action up to and including termination.

#### **V. CLOSING:**

Questions concerning this policy shall be directed to your immediate supervisor.

DEPARTMENT OF CORRECTIONS  
REQUEST FOR VEHICLE ASSIGNMENT  
DOC Policy 3.1.22

- 1) Requesting facility: \_\_\_\_\_
- 2) Employee assigned to the vehicle: \_\_\_\_\_
- 3) Justification: \_\_\_\_\_  
\_\_\_\_\_  
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(Permanent vehicle assignment shall only be allowed when doing so clearly is consistent with the organizations mission and the operational needs of the units within the Department)

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
(Warden, Superintendent, Administrator, Program Manager)

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
(Immediate Supervisor if applicable)

DOC Director approval: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return form to Administrative Services Division**

## Motor Vehicle Problem Notification

[illegible]